

**KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
(SRS)
Funeral/Cemetery Expenses/Limitations
Funeral Assistance Program**

KSA 39-713D. Funeral and cemetery expenses; limitations

See KAR 30-4-98 for the SRS Funeral Assistance (FA) Program

Changes to the Funeral Assistance Program of the Kansas Department of Social and Rehabilitation Services (SRS) effective July 1, 2007 are authorized via SRS Agency Policies. KAR 30-4-98 will be amended to reflect those changes in the near future.

Article 7.--SOCIAL WELFARE

KSA 39-713d. Funeral and cemetery expenses; limitations. (a) The secretary, on the death of a recipient of assistance, if the estate of the deceased or other available resources are insufficient to pay the decedent's funeral and burial expenses, may pay funeral and cemetery expenses in amounts which shall not be more than the maximum amounts fixed for such purposes by rules and regulations adopted by the secretary.

(b) Whenever a cemetery lot has been purchased or acquired for a recipient of assistance, either before or after death, and such cemetery lot was not purchased or acquired with public funds, the cost of such cemetery lot shall not be deducted from the funeral expenses authorized by this section.

History: L. 1973, ch. 186, § 10; L. 1983, ch. 144, § 1; July 1.

**This brochure/information was last updated on July 1, 2007
by
The Kansas State Board of Mortuary Arts (KSBMA)**

Information is provided for purposes of studying for the Funeral Director and Assistant Funeral Director written examinations administered by the KSBMA.

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

KAR 30-4-98: The SRS Funeral Assistance (FA) Program

30-4-98. Funeral assistance (FA) program. Assistance may be provided for funeral expenses upon the death of a recipient under the TAF, GA, or medical assistance programs. (a) Funeral expenses. Funeral expenses shall include the cost of the following:

- (1)(A) The preparation of the body;
- (B) a minimum casket;
- (C) the transportation of the body within the trade area; and
- (D) a service; or
- (2) a cremation.

(b) Application. Each request for funeral assistance shall be made within six months after either the date of death or the date on which the body is released by a county coroner.

(c) Treatment of resources.

(1) If a decedent, at the time of death, was not living with a child of the decedent who was under age 21, the spouse of the decedent, or an adult disabled child of the decedent, the total estate of the decedent shall be considered available. This provision shall not be applicable in situations in which there were separate living arrangements because of the need for institutional care. The estate shall not be allowed any exemptions.

(2) Eligibility for assistance shall be based on the assets owned by the family group at the time of decedent's death, under these circumstances:

(A) If, at the time of death, a decedent was living with a child of the decedent who was under age 21, the spouse of the decedent, or an adult disabled child of the decedent, or if the decedent was a child under age 21, living with the parent of the decedent; or

(B) if there were living arrangements separate from one of the persons specified in subparagraph (c)(2)(A) because of the need for institutional care.

(3) The total amount of proceeds on any life insurance policy on the decedent shall be considered available if the policy was owned by the decedent, the spouse of the decedent, or if the decedent was a child under age 21, the parent of the decedent.

(4) Death benefits from SSA, VA, railroad retirement, KPERS, and other burial funds shall be considered available.

(d) Resource limit. If the value of the resources considered available in accordance with subsection (c) does not exceed \$2,000, assistance may be provided. If the resource value exceeds \$2,000, the decedent shall be ineligible for assistance.

(e) Assistance provided. If the decedent is eligible, the amount of funeral assistance provided shall be \$550, except that the total cost of funeral expenses, including the \$550 payment, shall not exceed \$2,000. If the total cost exceeds \$2,000, no assistance shall be provided. (Authorized by and implementing K.S.A. 39-708c and K.S.A. 39-713d; effective Aug. 11, 2006.) **This regulation is scheduled to be amended with language similar to this in late 2007. The increases (from \$550 to \$680 and from \$2,000 to \$2,500) were changed via SRS Agency Policy effective July 1, 2007.**

2320 Funeral Assistance Program -

2321 General Eligibility Requirements - General requirements of cooperation (2120), and residence (2150) must be met.

2322 Additional Requirements for the Funeral Assistance Program - The following additional requirements must be met in order for a funeral assistance benefit to be authorized.

2322.1 Recipient Status - The individual must be a cash, medical (including *Health Wave*), or food stamp recipient at the time of death and the request for funeral assistance must be made within 6 months from the date of death or from the date the body is released by a county coroner. This includes persons who had pending applications for assistance at the time of death and who are ultimately approved for assistance for the month of death (including spend-down status whether the spend-down is met or not). Applications for assistance filed after the date of death shall not be considered for this program.

The most recent application/redetermination form will suffice as an application for funeral assistance. Information on that form shall be compared with any updated information supplied by persons having knowledge of the family's or deceased person's resources. Although a case is open for the deceased, and payment for the funeral can be made on that program, a separate determination of eligibility for funeral assistance is required.

For purposes of the funeral assistance program, residents of the state mental institutions in Kansas are also considered to be recipients. For these persons, a new application shall be required.

2322.2 Resource/Estate Limit - The resources of the family or estate of the deceased and other assets at the time of death shall not exceed \$2,000. In making this determination the following provisions apply.

1. When the deceased individual was not living with his or her spouse, adult disabled child, or child under age 21 at the time of death, the total estate of the deceased shall be considered. This provision is not applicable when separate living arrangements existed due to the need for institutional care. For purposes of this provision, the estate shall consist of all real property and liquid assets such as checking accounts, savings accounts, and stocks and bonds, owned by the deceased at the time of death.
2. When the deceased individual was living in one of the following situations, the nonexempt resources of the family group for the month in which the individual dies shall be considered:

- a. The deceased individual was living with his or her spouse, adult disabled child, or child under age 21;
- b. The deceased individual was under age 21 and living with his or her parent; and
- c. There were separate living arrangements because of the need for institutional care.

The cash assistance rules for GA shall be applied in determining nonexempt resources. However, burial funds for the deceased per 5430 (1) shall not be excluded.

- 1. The following items shall also be considered in addition to the estate or family resources:

- a. Death benefits from sources such as SSA, VA, railroad retirement, KPERS, or other burial funds payable to the estate or family;

(NOTE: SSA death benefits are paid only to a surviving spouse or person who was receiving or entitled to receive a child's benefit based on the worker's record for the month of death.)

- b. Burial insurance, burial trusts or funeral agreements for the deceased; and
- c. The total amount of any life insurance benefits on the decedent if the policy was owned by the decedent, the spouse, or the parent if the decedent was a child under age 21.

- 1. The following items shall be excluded from consideration in the estate or family resources:

- a. The value of any vehicles; and
- b. The amount of any incurred, unpaid obligation for long term care expenses.

If the total value of resources or the estate as established above exceeds \$2,000, there is ineligibility for funeral assistance.

2322.3 Funeral Expense Limit - The total cost of funeral expenses listed below must not exceed \$2,500 before sales tax:

1. Preparation of the body;
2. Purchase of a casket;
3. Transportation within the trade area;
4. A service; and
5. Expenses for a crematory if cremation is selected.

If the total funeral expenses as indicated above exceed \$2,500, there is ineligibility for funeral assistance.

The following items or expenses shall not be considered toward the \$2,500 funeral expense limit:

1. Goods or services related to items (1) through (5) but which are not provided by the funeral provider and are paid for directly by the family or friends of the deceased to the outside provider. These are sometimes referred to as "add-on's" or "cash advance" items. Examples of these add-on's are flowers, a special hairdresser, clergy honorarium, special musician or singers, et. al;
2. Funeral expenses for items other than those listed in items (1) through (5) above; and
3. Cemetery and outside container expenses.

2323 Funeral Assistance Benefit - If all eligibility requirements specified above are met, an allowance of \$680 or the amount of the funeral expense which is due and owing, whichever is less, shall be paid to the funeral provider. Payments or contributions for funeral expenses listed in items (1) through (8) above, or any other funeral or cemetery expenses by family or other interested parties, shall not affect eligibility for payment.

If the deceased is subject to estate recovery provisions of 1725 and subsections, the Estate Recovery Unit must be advised of the request. See 1725.5.

2324 Communication With Funeral Homes and Cemeteries - When determining eligibility for funeral assistance, direct communication must be established with the service providers. A notice shall be sent to providers at the time of approval or denial informing them of the agency decision. The notice shall contain the following information: statement of approval or denial, and amount paid by the agency toward the funeral costs.

Release of any further information to the funeral home or cemetery is contingent upon the applicant signing an Authorization to Furnish Information and Release From Liability (Funeral Assistance Program) form. (See Appendix.) This form was specifically designed for use in the funeral assistance program. When someone other than a surviving spouse applies for funeral assistance, the surviving spouse must sign the release form along with the applicant. When a signed release is obtained, the providers shall be notified in detail of the resources considered in determination of eligibility. If an authorization form is not signed, the agency can release only the approval or denial statement and the statement of amount paid.

SRS FA Sections 2320–2324 were last Updated by SRS on 7/1/2007
Updates can be located at: <http://www.srskansas.org/KEESM/keesm2300.htm>

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